

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ANTHONY LOGAN,)	
)	
Plaintiff,)	
)	
v.)	1:22-cv-00347-JDL
)	
WASHINGTON COUNTY JAIL)	
MEDICAL DEPARTMENT, et al.,)	
)	
)	
Defendants.)	

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Plaintiff Anthony Logan, proceeding pro se, filed this Complaint on November 3, 2022, against Defendants Washington County Jail Medical Department, Nurse Chelsea (an employee of the Medical Department), Registered Nurse Kim, Corporal Nicole, and Lt./Sgt. Albee (ECF No. 1). Logan alleges that jail staff refused to treat his knee pain between March 28, 2022, and July 14, 2022. Logan also claims that the denial of surgery exacerbated his knee pain. He seeks monetary damages for “mental anguish” and “pain and suffering.” ECF No. 1 at 3. Logan filed a Motion to Proceed without Prepayment of Fees and Costs (ECF No. 2), which was granted (ECF No. 3), and he filed a Notice of Intent to Proceed on November 21, 2022 (ECF No. 5).

United States Magistrate Judge John C. Nivison screened the Complaint pursuant to 28 U.S.C.A. § 1915(e)(2)(B) (West 2022) and § 28 U.S.C.A. 1915A(a) (West 2022). Judge Nivison filed a Recommended Decision with the Court on November 29, 2022 (ECF No. 7), pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2022) and Fed. R. Civ.

P. 72(b). Judge Nivison recommends that the Court dismiss the Complaint because Logan failed to allege facts that would support a claim under federal law. Specifically, Judge Nivison found that Logan failed to state a deliberate indifference claim under the Eighth Amendment because the Complaint did not satisfy the objective or subjective prongs of the deliberate indifference analysis. *See Kosilek v. Spencer*, 774 F.3d 63, 82 (1st Cir. 2014) (en banc). Judge Nivison provided notice that failure to object would waive the right to *de novo* review and appeal.

Logan filed a letter on December 7, 2022, maintaining his intent to proceed in the matter (ECF No. 8). He claims that he has obtained copies of his medical records from his primary care provider and the doctor who would perform his surgery, that he has informed jail staff of his surgery appointment, and that jail staff violated “all [his] medical rights” when they refused to bring him to his appointment. ECF No. 8 at 1. Logan also asserts that the Defendants punished him for filing sick call slips and requesting treatment, and that they retaliated against him by refusing to bring him to the surgery. I treat Logan’s letter as an objection to the Recommended Decision. The letter does not, however, state facts that remedy the deficiencies of his Complaint because he has not alleged “acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs.” *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). Although Logan has plausibly alleged that he suffers from knee pain and was unable to attend his scheduled surgery, “Eighth Amendment liability requires ‘more than ordinary lack of due care for the prisoner's interests or

safety.” *Farmer v. Brennan*, 511 U.S. 825, 835 (1994) (quoting *Whitley v. Albers*, 475 U.S. 312, 319 (1986)).

On January 24, 2023, Logan filed a subsequent letter, reiterating his intent to proceed and his belief that jail staff violated his civil rights (ECF No. 9). This letter also fails to allege facts that remedy the deficiencies of the Complaint.

I have reviewed and considered the Recommended Decision, together with the entire record, and have made a *de novo* determination of all matters adjudicated by the Magistrate Judge. I concur with the recommendation of the Magistrate Judge for the reasons set forth in his Recommended Decision and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision (ECF No. 7) of the Magistrate Judge is **ACCEPTED** and Logan’s Complaint (ECF No. 1) is **DISMISSED**.

SO ORDERED.

Dated this 8th day of February, 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE